

10 22.02.2022
(AD)
Court No.29
(Allowed)

C.R.M.(A)870 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chittaranjan** P.S. Case No.**03 of 2022** dated **17/01/2022** under Sections **3(1)(r)& (p)** of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

And

In the matter of: Rajat Chakraborty @ Rajot Kumar Chakraborty
....petitioner.

Mr. Robiul Islam
Mr. Raju Mondal

...for the petitioner.

Mr. Arijit Ganguly
Mr. Avik Ghatak

...for the State.

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. He contends that there was a dispute with regard to a fencing between the petitioner and the de facto complainant which reached a settlement. Thereafter, the police complaint was lodged falsely implicating the petitioner under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned Advocate appearing for the State draws the attention of the Court to the contents in the case diary.

The petitioner and the de facto complainant are neighbours. Both of them are apparently railway employees. There were disputes between the parties with regard to fencing. Apparently, a settlement was reached by and between the private parties with regard to the fencing. Thereafter, the present police complaint was lodged.

Considering the gravity of the offence and the involvement of the petitioner therein and considering the fact that it is debatable whether the incident occurred at the public place or not so as to attract the provisions of Section 18 of the Act of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of like amount each to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall meet the Investigating Officer once a month till the conclusion of the investigation and that the petitioner shall appear before the jurisdictional Court and pray for regular bail within four weeks from date.

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M.(A)870 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)